



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL

DIVISION OF STATE COUNSEL
LITIGATION BUREAU

July 29, 2021

Via ECF

Hon. Andrew E. Krause
United States Magistrate Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: *Doherty v. Bice, et al.*, 18 Civ. 10898 (NSR)(AEK)

Dear Judge Krause:

This Office represents defendants Patricia Bice, Qui Qui Balascio, and Jared Stammer¹ (collectively, “Defendants”) in the above-captioned action. I write pursuant to Your Honor’s Individual Practices to respectfully request that the deadline to complete fact discovery be extended from July 31, 2021 until September 30, 2021 for the limited purpose of taking the depositions of Plaintiff and Patricia Doherty. Plaintiff consents to Defendants’ requested extension and has indicated that he will seek to depose each of the Individual Defendants.

The current deadline to complete fact discovery is July 31, 2021. *See* Minute Entry dated June 7, 2021. The requested extension is necessary for several reasons. First, the extension is necessary for Defendants to depose Patricia Doherty, whose deposition is scheduled for August 18, 2021.² Further, as the Court is aware, the parties are awaiting a decision on Defendants’ motion to compel Plaintiff’s psychotherapy records before taking Plaintiff’s deposition.³

This is Defendants’ first request for an extension of the fact discovery deadline. The requested extension will not affect any of the other scheduled dates in this case.⁴

¹ Defendants Stammer and Balascio are no longer employed by SUNY and therefore they are not proper defendants. *See* Fed. R. Civ. P. 25(d).

² Defendants served a subpoena for the deposition of Patricia Doherty and production of documents on July 23, 2021.

³ Defendants are also working to obtain Plaintiff’s education and medical records, for which Plaintiff provided releases on July 23, 2021. Defendants submitted the releases to Plaintiff’s medical provider and high school on July 27, 2021. We anticipate some delay in obtaining the educational records, as schools are not currently in session.

⁴ Under the current schedule, any further interrogatories and requests for admissions must be served by July

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Thank you for your consideration of this request.

Respectfully submitted,

/s/ Shaina Schwartz

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cc: E. Chris Murray, Esq. (*via* ECF)

31, 2021. Expert reports shall be served no later than September 10, 2021, and rebuttal expert reports shall be served no later than October 10, 2021. All discovery, including expert discovery shall be completed by November 10, 2021. The parties are scheduled to appear for a case management conference before Judge Román on December 3, 2021. *See* Civil Case Discovery Plan and Scheduling Order, Dkt. No. 41.

Defendants anticipate that fact discovery, including Plaintiff's medical records, may impact its analysis of Plaintiff's anticipated expert report, and thus Defendants may require additional time to review Plaintiff's expert report, depose that expert, retain any rebuttal expert, and prepare any rebuttal report.